FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
JUN - 9 2003
DAVID J. MALAND, CLERK
BY
DEPUTY

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

RICHARD DAVIS #598155 §
§ CIVIL ACTION NO. 6:03cv30
ROY OLIVER, ET AL. §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE AND ENTERING FINAL JUDGMENT

The Plaintiff Richard Davis, proceeding *pro se*, filed this lawsuit complaining of alleged violations of his constitutional rights. This Court ordered that the matter be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Davis complained about an arrest for burglary in the early 1990's. As defendants, he sued the individuals who accused him of the crime and the State of Texas.

On April 29, 2003, the Magistrate Judge issued a Report recommending that the lawsuit be dismissed as frivolous. A copy of this Report was sent to Davis' last known address, return receipt requested, but no objections have been received; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual

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findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415 (5th Cir. 1996).

The Court has examined the Report of the Magistrate Judge and the pleadings in the cause. Upon such review, the Court has concluded that the Report of the Magistrate Judge is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge is ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled civil action be and hereby is DISMISSED with prejudice as frivolous. Such dismissal shall not affect Davis' right to challenge his conviction by any lawful means. It is further

ORDERED that all motions which may be pending in this cause are hereby DENIED. Finally, it is

ORDERED that the Order of Reference to the United States Magistrate Judge is hereby VACATED. 28 U.S.C. §636(b).

SIGNED this 6th day of June, 2003.

John Hannah, Jr.

JOHN HANNAH, JR.
CHIEF JUDGE